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11 Attorneys for Plaintiffs EZEKIAL FLATTEN,  
12 WILLIAM KNIGHT, CHRIS GURR and  
13 ANN MARIE BORGES

14 **IN THE UNITED STATES DISTRICT COURT**  
15 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

16  
17 EZEKIAL FLATTEN, WILLIAM KNIGHT,  
18 CHRIS GURR and ANN MARIE BORGES,

19 Plaintiffs,  
20 v.

21 BRUCE SMITH, STEVE WHITE and DOES  
22 1-50, inclusive.

23 Defendants.

Case No: 1:21-cv-07031-SI  
(Related to Case No. 3:20-cv-04537-SI)

**STIPULATION AND [PROPOSED]  
ORDER FOR AN EXTENSION OF TIME  
FOR PLAINTIFFS TO RESPOND TO  
DEFENDANTS BRUCE SMITH'S AND  
STEVE WHITE'S MOTIONS TO DISMISS  
AND MOTIONS TO STRIKE**

WHEREAS, Defendants Bruce Smith and Steve White filed their re-noticed motions to dismiss and motions to strike on September 17, 2021 (Dkt Nos. 26, 28 & 29);

WHEREAS, the Court set a schedule for plaintiffs' responses to be due October 1, 2021 to defendant Steve White's re-noticed motion to dismiss and motion to strike, Dkt. Nos. 28 and 29; with defendants' replies due October 8, 2021; plaintiffs' responses to be due October 8, 2021 to Bruce Smith's re-noticed motion to dismiss motion and/or Motion to Strike, Dkt. No. 26; with defendants' replies due October 15, 2021; and the hearing is scheduled for November 19, 2021;

WHEREAS, counsel for Defendants responded on September 27, 2021 that they were agreeable to Plaintiffs' requested extension to respond to Defendants' motions to dismiss and motions to strike;

WHEREAS, plaintiffs' request the court's permission to file one response brief to defendants Bruce Smith's and Steve White's motions to dismiss and motions to strike.

NOW THEREFORE, Plaintiffs and Defendants hereby agree and stipulate as follows:

(1) the time for Plaintiffs to respond to Defendants' re-noticed motions to dismiss and motions to strike shall be extended from October 1, 2021 and October 8, 2021 to October 15, 2021; and

(2) the defendants reply would otherwise be due pursuant to Civil Local Rules 7-3(a) and shall be extended from October 8, 2021 and October 15 to October 29, 2021.

Dated: September 28, 2021

**SCOTT LAW FIRM**

By: /s/John Houston Scott  
JOHN HOUSTON SCOTT  
Attorney for Plaintiffs

Dated: September 28, 2021

**WILLIAM A. COHAN, P.C.**

By: /s/William A. Cohan  
WILLIAM A. COHAN  
Attorney for Plaintiffs

1 Dated: September 28, 2021

**GEARINGER LAW GROUP**

2  
3 By: /s/Brian Gearinger  
4 **BRIAN GEARINGER**  
Attorney for Plaintiffs

5  
6 Dated: September 28, 2021

**OFFICE OF THE COUNTY COUNSEL**

7  
8 By: /s/Christian M. Curtis  
9 **CHRISTIAN M. CURTIS**  
Attorney for Defendant  
BRUCE SMITH

10 Dated: September 28, 2021

**COLANTUONO, HIGHSMITH &  
WHATLEY, PC**

11  
12 By: /s/Pamela K. Graham  
13 **PAMELA K. GRAHAM**  
14 Attorney for Defendant  
BRUCE SMITH

15  
16 Dated: September 28, 2021

**CALIFORNIA DEPARTMENT OF JUSTICE  
OFFICE OF THE ATTORNEY GENERAL**

17  
18 By: /s/Kymerly E. Speer  
19 **KYMBERLY E. SPEER**  
20 Attorney for Defendant  
BRUCE SMITH

21 **ATTESTATION**

22 Pursuant to Civil Local Rule 5-1(i)(3), I hereby attest that all signatories listed above  
23 concur in the filing's content and have authorized the filing.

24 September 28, 2021

**SCOTT LAW FIRM**

25  
26 By: /s/John Houston Scott  
27 **John Houston Scott**

**[PROPOSED] ORDER**

PURSUANT TO THE STIPULATION, IT IS SO ORDERED.

Date: \_\_\_\_\_

\_\_\_\_\_  
The Honorable Susan Illston